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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OASIS RESEARCH, LLC,

Plaintiff,

v.

AT&T CORP, et al,

Defendant.

Case No. 4:10-cv-00435-MHS-ALM
FROM THE EASTERN DISTRICT OF
TEXAS

**INTELLECTUAL VENTURES'
MOTION TO SEAL OPPOSITION
TO EMC CORPORATION'S
MOTION TO COMPEL**

Non-party Intellectual Ventures ("IV") hereby moves the Court for an order permitting IV to file its opposition to EMC Corporation's motion to compel and the accompanying Bodine Declaration under seal pursuant to Local Rule 5(g).

I. FACTS

IV has filed an opposition to EMC's motion to compel contemporaneously with this motion to seal. In this opposition, IV refers to and cites documents that IV designated as confidential. For example, IV quotes a portion of a relevant patent sale agreement, a highly confidential business contract for IV, and lists licensees of IV. In addition, IV includes emails between the parties negotiating production of documents and resolution of this discovery disputes. To protect IV's sensitive business information, client identities, and confidential negotiations between the parties, IV respectfully requests leave to file its opposition to EMC's motion to compel and the Bodine Declaration under seal.

IV'S MOTION TO SEAL - 1

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II. ARGUMENT

The sensitive nature of the information contained in the documents in question justifies sealing the opposition and the Bodine Declaration. For a discovery motion, the presumption in favor of public access may be overcome if the moving party can show “good cause” under Federal Rule of Civil Procedure 26(c) as to why the document should be sealed. “The public policies that support the right of access to dispositive motions, and related materials, do not apply with equal force to non-dispositive materials,” a “particularized showing, under the ‘good cause’ standard of Rule 26(c) will suffice[] to warrant preserving the secrecy of sealed discovery material attached to nondispositive motions.” *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1179-1180 (9th Cir. 2006) (citations omitted).

In this case, good cause exists because, in its opposition to EMC’s motion to compel IV cites to a highly confidential patent sale agreement, lists the identity of its licensees, and cites large portions of confidential negotiations between the parties relating to the pending discovery dispute. IV’s business centers around its patent licensing practices, and IV will be harmed if its patent sale agreements and licensee identities become public information. Further, IV’s offer to produce all unredacted documents, including highly confidential license agreements with other entities, to EMC should not become public knowledge. IV has agreed to this production under the limited circumstances of this case and pursuant to the terms of a protective order. Public disclosure of the fact that IV will be producing highly confidential license agreements to EMC’s counsel could damage IV’s business reputation and relationships with its licensees.

III. CONCLUSION

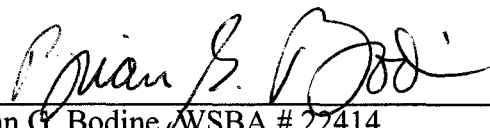
For the reasons set forth above, IV respectfully requests that the motion to file under seal be granted.

DATED: June 12, 2012

IV’S MOTION TO SEAL - 2

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IV'S MOTION TO SEAL - 3

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